

### **Remarks**

In response to the Office Action mailed on April 10, 2009, Applicant respectfully requests reconsideration in view of the following remarks. In the present application, claims 1, 2, 4, 12, 18, 19, and 21 have been amended for clarification. Support for the amended claims may be found on at least page 21, line 30 through page 22, line 9 in the Specification. No new matter has been added.

In the Office Action, claims 1-6, 9, 10, 12, 18-23, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Judge et al. (US 6,430,570, hereinafter “Judge”) in view of Enterprise JavaBeans Component Architecture: Designing and Coding Enterprise Applications (hereinafter “EJB”). Claims 7, 8, 11, 24, and 25 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Judge in view of EJB.

### **Change to Attorney Docket Number**

Please note that the Attorney Docket Number for this application is now 60374.0192US01/A-8121.

### **Claim Rejections - 35 U.S.C. §103(a)**

#### **Claims 1-6, 9, 10, 12, 18-23, 26, and 27**

Claims 1-6, 9, 10, 12, 18-23, 26, and 27 are rejected as being as being allegedly unpatentable over Judge in view of EJB. The rejection of these claims is respectfully traversed.

Amended independent claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “wherein said receiving an application state from each of the plurality of applications in memory includes receiving a stateful state with a state record indicating the absence of said differences between said activated and reactivated operational

stages and no significant ones of user perceivable differences between said activated and reactivated application.” Support for this amendment may be found in at least claim 2 (as previously presented) and on page 21, line 30 through page 22, line 9 in the Specification. Amended independent claims 12 and 18 recite similar features as amended independent claim 1.

The combination of Judge and EJB fails to teach, disclose, or suggest at least the aforementioned recitation from amended claim 1. For example, Judge discusses an Application Manager which allows caching of application data in a data cache in memory, even after an application has terminated and/or been unloaded. For example, the first execution of the application could save setup information which allow future running of the application to execute faster. The data caching allows information to be saved for subsequent runs of the same or different applications. (See Col. 7, lines 52-65). Judge fails to disclose a state record indicating the absence of said differences between said activated and reactivated operational stages and no significant ones of user perceivable differences between said activated and reactivated application, as specified in amended claim 1. For example, Judge discusses the caching of setup information which allows faster running of future applications. Thus, Judge discusses a significant user perceived difference (i.e., the faster running of an application) between initial and future running of applications. In contrast, amended claim 1 specifies an absence of differences between activated and reactivated operational stages as well as no significant user perceivable differences between activated and reactivated applications.

EJB fails to cure the deficiencies of Judge. EJB discusses stateless and stateful (Java) session beans. Stateless session beans do not keep track of client-specific data and do not have to be moved from memory to secondary storage to free up resources (instead, client instances are destroyed). Stateful session beans contain instance variables which store client-specific data (in

a conversational state). So that conversational states are not lost, stateful session beans are saved and restored when moving them between memory and secondary storage. Conversational states are not saved when the client terminates a session. (See page 4, paragraphs 2-7). EJB fails to disclose a state record indicating the absence of said differences between said activated and reactivated operational stages and no significant ones of user perceivable differences between said activated and reactivated application, as specified in amended claim 1. For example, EJB discusses that conversational states are saved when moving stateful session beans between memory and secondary storage but are not saved when a client terminates a session. In contrast, amended claim 1 specifies a state record indicating an absence of differences (thus, indicating a saved state) between activated and reactivated operational stages as well as no significant ones of user perceivable differences (thus, indicating a saved state) between an activated and reactivated (e.g., reactivated after termination of the initial activation) application.

The combination of Judge and EJB would not have led to the claimed invention because these references fail to at least teach, disclose, or suggest “wherein said receiving an application state from each of the plurality of applications in memory includes receiving a stateful state with a state record indicating the absence of said differences between said activated and reactivated operational stages and no significant ones of user perceivable differences between said activated and reactivated application.” Accordingly, amended independent claims 1, 12, and 18 patentably distinguish the claimed invention over the cited references and Applicant respectfully requests withdrawal of the current rejection of these independent claims.

It is respectfully submitted that amended independent claim 12 also recites additional features which are neither taught, disclosed nor suggested by the cited references of record. For example, amended independent claim 12 recites, in part “wherein said receiving an application

state includes receiving a stateless state indicating the absence of said differences between said activated and reactivated operational stages and no significant ones of user perceivable differences between said activated and reactivated application, a stateful state with a state record indicating the absence of said differences between said activated and reactivated operational stages and no significant ones of said user perceivable differences between said activated and reactivated application, and a stateful state with no state record indicating the presence of said differences between said activated and reactivated operational stages and the presence of said user perceivable differences between said activated and reactivated application.” (Emphasis supplied). In the Office Action, it is conceded that the combination of Judge and EJB fails to disclose “a stateful state with no state record indicating the presence of said differences between said activated and reactivated operational stages and the presence of said user perceivable differences between said activated and reactivated application.” (See page 7 where Judge-EJB is relied on for allegedly disclosing a stateless state and a stateful state with a state record.) Therefore, it is respectfully submitted that the combination of Judge and EJB also fails to teach, disclose, or suggest at least the aforementioned additional recitation from amended claim 12.

Dependent claims 2-6, 9, 10, 19-23, 26, and 27 also patentably distinguish the claimed invention over the cited references at least for the reasons described above regarding the aforementioned amended independent claims, and by virtue of their dependency upon these claims. Accordingly, Applicant respectfully requests withdrawal of the current rejection of these dependent claims.

Claims 7, 8, 10, 11, 24, 25, and 28

Claims 7, 8, 10, 11, 24, 25, and 28 are rejected as being as being allegedly unpatentable over Judge in view of EJB. The rejection of these claims is respectfully traversed.

The combination of Judge and EJB fails to teach, disclose, or suggest at least each of the features specified in claims 7, 8, 10, 11, 24, 25, and 28. Claims 7-8, 10, and 11 depend from amended independent claim 1 and claims 24, 25, and 28 depend from amended independent claim 18. Therefore, the aforementioned claims patentably distinguish the claimed invention over the combination of Judge and EJB at least for the reasons described above regarding amended independent claims 1 and 18, and by virtue of their dependency upon the aforementioned claims.

The combination of Judge and EJB would not have led to the claimed invention because these references fail to at least teach, disclose, or suggest “wherein said receiving an application state from each of the plurality of applications in memory includes receiving a stateful state with a state record indicating the absence of said differences between said activated and reactivated operational stages and no significant ones of user perceivable differences between said activated and reactivated application.” Accordingly, claims 7, 8, 10, 11, 24, 25, and 28 patentably distinguish the claimed invention over the cited references and Applicant respectfully requests withdrawal of the current rejection of these claims.

### **Conclusion**

The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. Thus, the claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and

the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

In view of the foregoing remarks, Applicant respectfully submits that the claimed invention embodiments, as amended, are neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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